

CITY OF ISSAQUAH

DEVELOPMENT COMMISSION

Clustered Housing Development Agreement **Public Hearing**

STAFF REPORT

June 8, 2016

FILE NO.: Development Agreement: DA16-00002

PROJECT: Silverado Cluster Development

OWNER: Stefani Land Company
7603 Renton- Rd. SE
Issaquah, WA 98027

APPLICANT: Silverado Care
Representative: Paul Mullin
6400 Oak Canyon, Suite 200
Irvine, CA 92618

STAFF CONTACT: Christopher Wright, Project Oversight Manager
Development Services Department, (425) 837-3093

REQUEST: An application has been submitted by Silverado to build a cluster housing development of up to a maximum of six (6) duplexes, containing twelve (12) units. In addition to the duplex units, the proposal will include a lot for a Banquet/Meeting/Reception Hall, shared parking, and two parcels that will be set aside and dedicated for future Affordable Housing units. The site incorporates 955,902 square feet of land, or approximately 21.94 acres.

LOCATION: 7932 Renton-Issaquah Road SE at the intersection of NW Talus Drive.

EXISTING LAND USE:

<u>Subject Property:</u>	Single family residential
<u>North:</u>	Single family residential
<u>South:</u>	Single family residential
<u>East:</u>	Single family residential
<u>West:</u>	Renton-Issaquah Road SE (SR-900)

EXISTING CONDITIONS: The project site currently has one single family residence and

several out-buildings.

EXISTING ZONING: The zoning of the property is Single Family – Estate (SF-E). The zoning of adjacent properties to the north and south are also SF-E, and east of the site is SF-S (Single Family - Suburban). The Talus Urban Village (UV) is located across SR900 to the west.

Clustering duplex units is permitted through a Development Agreement.

COMPREHENSIVE PLAN: The site is designated Low Density Residential the Issaquah Comprehensive Plan, updated April 29, 2013.

SUBAREA: Tibbetts Creek Valley

BACKGROUND:

February 11, 2015	The City's Project Review Team held the first Pre-Application Conference with representatives from Silverado Care, File No. PRE15-00001.
June 24, 2015	The Development Commission hosted a Community Conference for a proposed 39,350 square foot Memory Care facility. The proposal was for one building with 53 sleeping units for 91 residents, and associated community and support spaces.
October 5, 2015	Since the application was for an Assisted Care Facility, it required a Land Use Code Amendment to allow that use in the SF-E zone. Although the Planning Policy Commission recommended approval of the Code Amendment, it was not approved by the City Council.
April 26, 2016	The applicant submitted a Draft Development Agreement for a Cluster Development, File No. DA16-00002.

SEPA REVIEW: A Mitigated Determination of Nonsignificance is being issued for the Development Agreement on June 9, 2016. The combined comment and appeal period for the SEPA Determination will begin on June 9, 2016 and end on June 30, 2016.

NEXT STEPS:

Following the Public Hearing, the Development Commission will make a recommendation to the City Council regarding the Development Agreement. Upon approval of the Development Agreement by the City Council, the applicant will then submit a Preliminary Plat application for review and approval by the City's Hearing Examiner. Construction Permits and a Final Plat application will follow.

CLUSTERED HOUSING - DEFINITION AND PURPOSE:

Per IMC 18.02.100, Clustered Housing developments are defined as:

"Housing, cluster developments: A development design technique that concentrates buildings housing in specific areas on a site to allow the remaining land to be used for common usable open space, and preservation of environmentally critical areas. Cluster developments housing requires a minimum of two (2) acres and must comply with the density and lot coverage requirements for the zoning district in which the parcel is located. However, to achieve the development clusters, minimum lot requirements, including, but not limited to, internal building setbacks may be flexible, provided, the land saved through clustering is dedicated to permanent usable open space areas or critical areas. Maintenance of usable open space and critical areas is the owner's responsibility unless other ownership provisions are made."

Section 18.07.420(A) of the Issaquah Land Use Code states the following under Cluster Housing Standards Purpose:

1. *Achieve the maximum allowable density, as established on the District Standards Table (IMC 18.07.360), on developable land while preserving critical areas and other pervious surfaces through lot size reduction;*
2. *Provide more common usable and native forested open space within cluster developments that are not a part of a platted lot;*
3. *Encourage affordable housing through the provision of smaller lots; and*
4. *Provide a more efficient arrangement of structures for providing services and infrastructure.*

PROJECT DESCRIPTION:**A. Use:**

The applicants will be seeking Preliminary and Final Plat approval for a cluster housing development of 6 parcels which will each have duplex units, one parcel for a Banquet/Meeting/Reception Hall, two parcels for future affordable housing development, a private road tract, shared parking, and a Native Growth Protection Easement (NGPE).

This plat will be located at the intersection of Renton-Issaquah Road SE and NW Talus Drive. The development will cover a relatively small portion of the approximately 21.94 acre property. This parcel contains wetlands areas, some

steep slopes and Tibbetts Creek which runs through the parcel. A Critical Area Report, Geotechnical Report, Drainage Study and Traffic Study were all submitted and reviewed with the previous Site Development Permit application, SDP15-00003. Those reports will be updated and further evaluated with the Preliminary Plat.

B. Development Standards:

1. Findings of Fact

The following are the development standards for developments in the "SF-E" Zone:

<u>ITEM</u>	<u>CITY CRITERIA</u>
Maximum Density:	1.24 du/ac
Minimum Lot Size:	35,000 sq.ft
Max. Impervious surface:	30%
Min. Pervious surface:	50%
Max. Base Building Height:	30 feet

<u>SETBACKS</u>	<u>CITY CRITERIA</u>
Front Yard (West)	30 feet
Rear Yard (East)	30 feet
Side Yard (North)	15 feet
Side Yard (South)	15 feet

For Cluster Developments, the setbacks are required around the exterior property lines of the original parcel and impervious surface is calculated based on the overall site rather than the individual lots.

With regard to Density, approximately 14.5 of the 21.94 acres of the site are developable. Table 18.10.450 of the Issaquah Municipal Code allows a credit of 70% for the 34% of the site located in critical areas and buffers. The resulting allowable density within the buildable area would be 24 units. The applicants are proposing 14 units plus a banquet/meeting/reception hall.

As currently proposed the application will be able to meet the development standards of the SF-E zone through the cluster housing provision.

C. Cluster Housing Approval Criteria, IMC 18.07.420-B

The provisions for lot size adjustment are defined within the District Standards Table (IMC 18.07.360). Review for cluster development approval shall occur within the existing procedure required for the application. Approval for a cluster development shall be granted only if all the following criteria are met:

1. *Minimum Area: A minimum of two (2) acres is required for a cluster development; however, there is no minimum lot size for individual units within the development.*

2. *Density: Overall density must not exceed density of underlying zoning district.*
3. *Consistency with Policies: The proposed development will be consistent with the general purpose, goals, objectives, and standards of the Comprehensive Plan, the City's subdivision regulations (Chapter [18.13](#) IMC), this Code and all other pertinent rules or regulations, whether local, state or federal.*

Staff Review: The proposal is consistent with the following policies of the Comprehensive Plan.

LU Policy A3 Encourage efficient use of land by allowing clustering of buildings within developments, consistent with the City's development and design standards, to provide the maximum consolidated pervious surface, open space, efficient extension of urban services, and protection of critical areas and their buffers.

H Policy A2 Promote a variety of housing types, and lot sizes citywide and within new planned developments, such as townhouses and row houses, smaller single-family homes on lots smaller than 6,000 square feet, and multifamily.

H Policy A10 Support and encourage innovative and creative housing solutions to meet Issaquah's needs for housing affordability and diversity for a variety of household sizes, incomes types and ages including but not limited to Cottage Housing, manufactured housing that meets the City's standards, and attached units designed to fit the general character and bulk of the existing neighborhood in which the new housing is located.

H Policy C1 Consider requiring affordable housing (or land donations or mitigation fees dedicated to affordable housing) when evaluating rezones and other changes to land use or development regulations that increase development capacity.

4. *Development Standards: Required development and design standards for cluster housing are established in the District Standards Table (IMC 18.07.360), and based upon the underlying district standards for the parcel.*
 - a. *Critical Areas: When critical areas are present, such critical areas and their buffers shall be used to calculate the pervious surface requirement. Environmentally constrained land shall not be used for subdivision of individual lots, and shall be held in a critical area tract or other protection method.*
 - b. *Common Usable Open Space: The cluster development shall have a minimum of fifteen (15) percent of the net site area as common usable open space.*
 - c. *Setbacks at exterior site boundaries, where the zoning is different than the abutting zoning, shall be the greater of the setback required by the site's zoning or the setback required by the adjacent zoning. There are no minimum interior setbacks, except those established by other requirements, such as building code, easements and critical areas.*
 - d. *Pervious and impervious surface requirements are equal to underlying zone for the gross site, prior to subdivision or other actions. There are no minimum requirements for pervious and impervious ratios on individual lots within the cluster development.*
5. *Landscape Plan: Residential projects developed as a cluster development (this section) shall be required to submit a landscape plan per IMC [18.12.070](#) and a Building Permit(s) shall not be issued until the landscaping plan has been approved.*

The landscaping plan shall be fully detailed as required by the provisions of the landscaping chapter and shall be subject to the approval of the Planning Director/Manager. Minimum standards for cluster development projects shall include:

- a. Landscaping of all building setbacks and internal areas between buildings except for ingress and egress (driveways and sidewalks) shall be as required for multifamily residential uses in IMC [18.12.070](#), Schedule – General requirements by landscape type.*
 - b. Landscaping on the exterior periphery yards of a cluster development project shall include a combination of coniferous and deciduous trees, shrubs and ground cover.*
 - c. The minimum pervious area established by the underlying zone of the clustered development shall be fully landscaped. Critical areas and their associated buffers (i.e., steep slopes, wetlands, etc.) retained or recreated as native forest may count towards the required pervious area and need not be landscaped. Enhancement of those critical areas, including critical area buffers, may be required if they are counted towards required buffering.*
- 6. Impacts:*
- a. Neighborhood: The proposed clustering of the development will not have a substantial adverse impact on adjacent property, the character of the neighborhood or community, traffic conditions, parking, utility facilities, or other elements affecting the public health, safety and general welfare.*
 - b. Environment: The proposed cluster development will not result in the destruction, loss, or damage of any scenic corridor or Issaquah Treasure as identified in the City's Comprehensive Plan.*
 - c. Services: The proposed cluster development will be adequately served by essential public facilities and services (such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water, sewers and schools) or the persons or agencies responsible for the establishment of the proposed use will adequately provide for such services.*
- 7. Implementation:*
- a. Unit Types: Developments proposed under the cluster provision may use the zero lot line provision, single family semidetached (common wall) units or other methods or combinations, provided all the approval criteria established for those housing types and cluster development approval criteria are met.*
 - b. More Than One (1) Zoning District: A development which includes more than one (1) zoning district may use the cluster provision and may site the clustered units in one (1) or all zoning districts within the development. Overall density of the cluster development cannot be more than the combined total for all included district properties. However, units can be sited in one (1) or all zoning districts.*

Staff Review:

As proposed, the development will be able to meet the approval criteria for cluster development.

D. Development Agreement:

A Development Agreement must be approved by the City Council prior to or concurrently with a plat decision and/or other land use decision located on commonly owned, contiguous parcels of land totaling five (5) or more acres of land. Upon City Council approval of a Development Agreement, the property's development shall be governed by the substantive provisions of the approved Development Agreement and implemented through subdivisions, short plats, binding site plans or other applicable permits in accordance with the procedures specified in the Development Agreement, or standard City procedures if none are specified in the Development Agreement. Any conditions or standards of approval for any subdivision, short plat, binding site plan or other permit or approval for the property shall use and incorporate the development standards set forth in the approved Development Agreement.

1. *Each Development Agreement approved by the City Council shall include the following components:*
 - a. *Project description and conceptual site plan;*
 - b. *Open space and recreation lands and facilities, including preservation of critical areas and buffers;*
 - c. *Residential uses, densities and affordable housing;*
 - d. *Site design, bulk and/or building standards;*
 - e. *Capital facilities plan showing infrastructure such as road improvements, transportation management plans, utilities, schools, police and fire and any other public services or facilities.*

Staff Review:

The proposed Development Agreement and subsequent plat will include the required components.

2. *A property owner with less than five (5) acres has the option of doing a Development Agreement as part of the cluster development, but it is not required.*

Staff Review:

Not applicable.

3. *A Development Agreement may deviate from the underlying district standards identified in the Land Use Code in order to achieve the components listed above. However, density and permitted uses cannot differ from the underlying zoning standards.*

Staff Review:

The density of Silverado will not exceed the density allowed by the underlying zoning of SF-E which allows 1.24 dwelling units per acre. A maximum of 24 units are allowed and 14 units are proposed. Banquet/Meeting/Reception Halls (public and private) are also permitted. Clustering the residences into duplex units is

permitted through a Development Agreement.

4. *Any redevelopment that occurs shall follow the requirements of the underlying zoning district unless the existing Development Agreement is amended and approved by the City Council or unless a new Development Agreement is approved by the City Council under the regulations of this Code.*

Staff review:

Any new development agreement amendment will require approval by the City Council.

PUBLIC NOTICE:

A “Notice of Application and Public Hearing” was mailed to all property owners within 300 feet of the site on May 20, 2016, and a comment period was established that allows comments up to and during the public hearing. The Notice of Application & Notice of public hearing date was also posted on the City’s web site on May 27, 2016.

Notice of the public hearing for the Preliminary Plat is required to be published in the newspaper at least 10 days prior to the public hearing. Notice of the Clustered Housing/Development Agreement was published in the Issaquah Press on May 25, 2016. A 4’ x 4’ public hearing notice board was also posted on the site by the applicant.

CONCLUSIONS:

The proposed Clustered Housing/Development Agreement is consistent with the Issaquah Comprehensive Plan, Issaquah Land Use Code, and other applicable development regulations.

ADMINISTRATION’S RECOMMENDATION:

The City of Issaquah Administration recommends that the Development Commission recommend Approval of the Clustered Housing/Development Agreement for Silverado to the City Council with the following conditions;

1. The applicant shall comply with the SEPA Mitigated Determination of Nonsignificance, dated June 9, 2016.
2. The Final Plat shall include the following language that defines the Native Growth Protection Easement for the eastern portion of the site:

The Native Growth Protection Easement (NGPE) conveys to the public a beneficial interest in the land within the NGPE. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract imposes upon all present and future owners and occupiers of the land subject to the tract the obligation, enforceable on behalf of the public by the City of Issaquah, to leave

undisturbed all trees and other vegetation within the tract. The vegetation within the tract may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the City of Issaquah or its successor agency, unless otherwise provided by law. The City, when permitting the cutting, pruning or removal of living or dead vegetation, shall consider demonstrated health and safety concerns

3. The preliminary and final plat shall show a trail connection and easement from the entrance to the site off of SR900, eastward and connecting the King County trail along the eastern boundary. The applicants shall work with the City's Parks Department, during the Preliminary Plat process, to determine the location of the trail easement.

EXHIBIT LIST:

1. Vicinity Map
2. Draft Development Agreement, received May 27, 2016.
3. Preliminary Site Parcel Plan, received May 27, 2016.
4. Environmental Checklist, dated May 31, 2016.
5. Mitigated Determination of Nonsignificance, dated June 9, 2016. (To be distributed at the Hearing).